



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,276	07/31/2000	Hiroyuki Miyoshi	9369-50(T37-124477M/TH)	4209

570 7590 04/09/2002

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER

BRAHAN, THOMAS J

ART UNIT


PAPER NUMBER

3652

DATE MAILED: 04/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/629,276	Applicant(s) MIYOSHI et al	
Examiner Thomas J. Brahan	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 8, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.5 & 7 20) ☐ Other:

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

3. Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Onishi. Onishi shows an elevator apparatus comprising:

an actuating device including a sheave (at 5) around which a rope (13) engaged with an ascending and descending cage (9) is wound, the sheave being adapted to rotate thereby to move the rope with its rotation, and a driving section (5) for rotating the sheave, and

a shielding body (3) for shielding the actuating device,

wherein the actuating device and the shielding body are installed on a rooftop of a building in which said ascending and descending cage is disposed, the shielding body being readily detachable from the rooftop.

4. Claim 1 is rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Hakola, cited by applicant.

5. Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Cerny et al. Cerny et al shows an elevator apparatus having a hoist motor (16) driving a sheave (16) for raising and lowering cage (20). The hoist motor is contained in a building structure located on roof (14) which includes a hatch door (26). The hatch door is a shielding body that is readily detachable from the rooftop.

6. Claims 2, 3, 5, and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Onishi in view of Liebetrau et al. Onishi shows the basic claimed elevator actuating device having a detachable shielding body (3). It varies from the claims by not showing the details of its sheave motor. Liebetrau et al shows the basic claimed elevator actuating device including a damping support member (5) with a sheave (6) and a speed-reducer (8) mounted on one side and a drive assembly (9) with a brake (10) mounted on the opposite side. It would have been obvious to one of ordinary skill in the art to arrange the drive means of Onishi as to have the speed-reducer and sheave on one side of a damping support with motor and brake on the opposite side, to reduce the motor oscillations, as taught by Liebetrau et al. The speed-reducer, drive assembly, and brake of Liebetrau et al are arranged coaxially, as recited in claim 3. An output wheel of the speed-reducer constitutes the sheave, as recited in claim 5. The mounting of the support is to an upper surface of the rooftop, as recited in claim 6.

7. Claims 2, 3, and 5-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Holland in view of Hakola. Figure 6 of Holland shows the basic claimed elevator actuating device including a support member (22) with a sheave (16) and speed-reducer (14) mounted the left side and a drive assembly (10) with a brake (20) mounted on the opposite right side. It varies from the claims by not disclosing that it is mounted on the rooftop of a building in a removable shielding. Hakola shows a method of mounting an elevator to a building which has the elevator hoist motor mounted on base which is lifted to a rooftop, installed, and covered with a removable shielding member (49). It would have been obvious to one of ordinary skill in the art to install the elevator of Holland by having its base and actuating device lifted to the rooftop of the building, and then enclosed with a protective shielding enclosing it, to quickly install the elevator in a modular fashion, as taught by Hakola. The speed-reducer, drive motor, and brake of Holland


et al are arranged coaxially on single shaft (12), as recited in claims 3 and 7. An output wheel of the speed-reducer constitutes the sheave, as recited in claim 5. The mounting of the support is to an upper surface of the rooftop, as recited in claim 6.

8. Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Onishi in view of Liebetrau et al, as applied above to claim 2, and further in view of Hakala et al. Onishi, as modified, shows the basic claimed elevator device, but varies from claim 4 by not having the brake located radially inwardly of the motor. Hakala et al shows a similar compact elevator drive and teaches placing the brake mechanism (122, 123) within the motor. It would have been obvious to one of ordinary skill in the art to modify the actuating assembly of Onishi by having its brake mechanism located radially within the motor, to reduce the space occupied by the actuating assembly, as taught by Hakala et al.

9. Applicant's remarks in the amendment filed January 8, 2002 have been considered, but are deemed moot in view of the above new rejections. Applicant's amendment necessitated the new grounds of rejection presented in this Office action, accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. An inquiry concerning this action should be directed to Examiner Thomas J. Brahan at telephone number (703) 308-2568 on Mondays through Thursdays from 8:30-6:00 EST. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (703) 308-3248. The fax number for Technology Center 3600 is (703) 305-7687.


THOMAS J. BRAHAN
PRIMARY EXAMINER